

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

<p>DANIEL J. WIK,</p> <p>Plaintiff,</p> <p>-vs-</p> <p>DONALD R. KUNEGO,</p> <p>in his personal and individual capacity,</p> <p>Defendant.</p>	<p>AFFIDAVIT</p> <p>Index No.: 11 CV 6205 CJS</p>
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STATE OF NEW YORK)
) ss.:
COUNTY OF GENESEE)

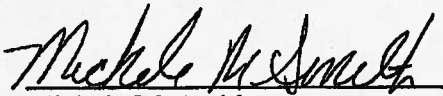
MICHELLE M. SMITH, TOWN CLERK/TAX COLLECTOR for the Town of Bergen,
affirms the following under penalty of perjury:

1. That I am employed as the Bergen Town Clerk and Tax Collector in Bergen, New York.
 2. That the Honorable Donald R. Kunego is a duly elected Town Court Justice for the Town of Bergen, New York.
 3. That attached hereto as **Exhibit A** is a true and accurate copy of the Oath of Office executed by Judge Kunego and filed in the Bergen Town Clerk's Office, The Genesee County Clerk's Office and the New York State Office of Court Administration.
 4. Judge Kunego has been a Town Justice for the Bergen Town Court since he was first elected in 1985.
 5. Judge Kunego is covered by the Town of Bergen's public officials blanket bond.
- Based on the fact the Town of Bergen maintains a blanket undertaking covering officers, clerks

and employees, including Town Justices, Judge Kunego does not have to file a bond or undertaking individually. See Public Officers Law §11(2).

6. Judge Kunego was a Bergen Town Court Justice at all times referenced in plaintiff's Complaint.

7. That Judge Kunego presided over a criminal court matter involving the plaintiff and arising out of certain traffic citations issued to the plaintiff on July 27, 2010.


Michele M. Smith
Bergen Town Clerk/Tax Collector

Sworn to before me this
13th day of April, 2012


Notary Public

ANNE M. SAPIENZA
Notary Public, State of New York
Qualified in Genesee County
Reg. # 4957216
Commission Expires Oct. 10, 20 13